**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO.350 OF 2006**
**IN**
**ARBITRATION PETITION NO.432 OF 2005**

M/s.Shankar Ramchandran Earthmovers .. Appellant
V/s
Union of India .. Respondents

Mr.Uday Shankar Samudrala for the Appellants.
Mr.Suresh Kumar for the Respondents.

**CORAM: DR.S.RADHAKRISHNAN &**
**S.J.VAZIFDAR, JJ.**

**DATE : 05.05.2006.**

**P.C.:**

1. Heard the learned Counsel for the parties. By this Appeal, the Appellant is challenging an order dated 3rd April, 2006 whereby the learned Single Judge has declined to entertain the Arbitration Petition in view of the letter dated 29th March, 2006 issued by the Deputy Chief Engineer, Western Railway, Ratlam (MP). In the said letter it has been disclosed that the Site has already been handed over to the new Contractor and the work is in progress. It appears that the tender of the present Contractor was rejected. We had directed the learned Counsel for the Respondents to take instructions as to the extent of work carried out by the new Contractor. Mr.Suresh Kumar, the learned Counsel for the Respondents states that the substantial work has been carried out. The learned Counsel for the Respondents further states that the entire project is

likely to be completed by 27th May, 2006. Mr.Sureshkumar, the learned Counsel for the Respondents states that the Appellant can raise the objections (if any) before the Chief Engineer.

2. Under these circumstnces, we are not inclined to entertain the Appeal. Appeal stands dismissed.

**(DR.S.RADHAKRISHNAN, J.)**

**(S.J.VAZIFDAR, J.)**